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APRIL HERRERA

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

APRIL HERRERA, an individual,

Plaintiff,

v.

LOS ANGELES COUNTY SHERIFF'S
DEPARTMENT, a public entity;
COUNTY OF LOS ANGELES, a public
entity; ADAM VILLALOBOS, an
individual; and DOES 1-10, inclusive,

Defendants.

CASE NO.: 2:24-cv-1959

COMPLAINT FOR DAMAGES

1. Fourth Amendment Violation (42 U.S.C. § 1983);
2. Fourteenth Amendment Violation – Due Process (42 U.S.C. § 1983);
3. Municipal Liability – Unconstitutional Policies, Customs, Practices (*Monell*, 42 U.S.C. § 1983);
4. Municipal Liability – Ratification (*Monell*, 42 U.S.C. § 1983);
5. Negligence;
6. Sexual Assault;
7. Violation of California Civil Code § 52.4 (Gender Violence);
8. Violation of Civil Code Section § 1708.88;
9. Violation of California Civil Code § 52.1 (Tom Bane Act)

DEMAND FOR JURY TRIAL

JURISDICTION AND VENUE

1
2 1. This action is brought pursuant to 42 U.S.C. §§ 1983 and 1988, and the
3 Fourteenth Amendment to the United States Constitution, and the laws and
4 Constitution of the State of California. Jurisdiction is conferred upon this Court by 28
5 U.S.C. §§ 1331 and 1343.

6 2. Venue is proper within the Central District of California pursuant to 28
7 U.S.C. § 1391(b)(1) and (2) because all Defendants reside within this district and the
8 events and omissions giving rise to Plaintiff's claims occurred within this district.

9 3. Government Code Section 945.9 provides that "[a] claim arising out of an
10 alleged sexual assault by a law enforcement officer if the alleged assault occurred while
11 the officer was employed by a law enforcement agency is exempted from all state and
12 local government claim presentation requirements." Therefore, Plaintiff is exempt from
13 the Tort Claims Act relative to her violations of state law.

14 4. With respect to these supplemental state claims, Plaintiffs request that this
15 Court exercise supplemental jurisdiction pursuant to 28 U.S.C. § 1367 over such claims
16 as they arise from the same facts and circumstances which underlie the federal claims.

PARTIES

17
18 5. Plaintiff APRIL HERRERA is and was, at all relevant times, a resident of
19 the defendant COUNTY OF LOS ANGELES, State of California, and the natural
20 mother of Plaintiff M.W.

21 6. Defendant LOS ANGELES COUNTY SHERIFF'S DEPARTMENT is
22 the sheriff's department for Defendant COUNTY and LASD is also a separate legal
23 entity.

24 7. Defendant COUNTY OF LOS ANGELES is a chartered subdivision of
25 the State of California with the capacity to sue and be sued.

26 8. Defendant ADAM VILLALOBOS was and is at all relevant times an
27 employee of COUNTY and was acting under color of law at all relevant times as a
28 deputy with LASD.

1 9. At all relevant times, Defendants DOES 1-5, inclusive, were individuals
2 employed as sheriff's deputies with the Defendants COUNTY and LASD, acting under
3 color of law and within the course and scope of that employment.

4 10. At all relevant times, Defendants DOES 6-10, inclusive, were managerial,
5 supervisorial, training, and/or policymaking employees of Defendants COUNTY and
6 LASD. At the time of the incident, DOES 6-10 were acting under color of law within
7 the course and scope of their duties as employees for the COUNTY and LASD. DOES
8 6-10 had supervisorial authority over DOES 1-5, and the employees of the COUNTY
9 and LASD. DOES 6-10 were acting with the complete authority and ratification of their
10 principal, Defendants COUNTY and LASD.

11 11. At all relevant times, Defendants DOE DEPUTY 1, and Does 1 Through
12 10 were employees of the LASD. At all times relevant, Defendants DOE DEPUTY 1,
13 and Does 1 Through 10 were an employee and/or agent of defendant COUNTY and
14 LASD, and each of these individual defendants acted under color of law, to wit, under
15 the color of the statutes, ordinances, regulations, policies, customs, and usages of
16 Defendant COUNTY and LASD, as well as under the color of the statutes and
17 regulations of the State of California.

18 12. Plaintiffs do not know of the exact names or titles of the individual
19 defendants sued fictitiously as DOES 1-10, inclusive. Plaintiffs will seek leave to
20 amend this Complaint to allege such names and titles as that information is ascertained.

21 13. Each of the defendants named herein has caused and is responsible for the
22 unlawful conduct and resulting rights violations to Plaintiffs, either by personally
23 participating in the conduct or acting jointly and in concert with those who did; by
24 authorizing, acquiescing, or failing to take action to prevent or intervene in the unlawful
25 conduct; by promulgating policies and procedures pursuant to which the unlawful
26 conduct occurred; by failing and refusing, with deliberate indifference to the rights and
27 wellbeing of Plaintiffs and/or the public, to initiate and maintain adequate supervision
28 and/or training of said actors; and/or, by ratifying the unlawful conduct perpetrated by

1 said actors, all of whom were employees, officials, agents, etc., under their supervision,
2 direction, and control.

3 14. Whenever and wherever reference is made in this Complaint to any act by
4 a defendant, such allegation and reference shall also be deemed to mean the acts and
5 failures to act of each defendant individually, jointly, and severally. Accordingly, each
6 of the individual defendants is sued in their personal capacities for the harms caused
7 by their acts or omissions, while the Defendants COUNTY and LASD are sued on
8 account of its liability for the unconstitutional policies, practices, customs, training
9 failures, etc., that were substantial moving forces behind the individual defendants'
10 harmful conduct, and/or for subsequent ratification thereof.

11 **FACTUAL ALLEGATIONS COMMON TO ALL CLAIMS FOR RELIEF**

12 15. Plaintiff APRIL HERRERA is a twenty-five year old Autistic young
13 woman. Plaintiff APRIL HERRERA was born premature. At the age of two years old,
14 APRIL HERRERA was diagnosed with multiple disabilities including Autism,
15 pervasive nondevelopment disorder and Russel Silver Syndrome. Plaintiff APRIL
16 HERRERA has been a consumer of the Harbor Regional Center since she was three
17 years old. When Plaintiff APRIL HERRERA was in school, she had an Individualized
18 Education Program. Plaintiff APRIL HERRERA is moderately verbal but Plaintiff
19 APRIL HERRERA primarily types out her expressions through her cell phone since
20 her speech is impeded. Clearly, Plaintiff APRIL HERRERA is disabled.

21 16. Plaintiff APRIL HERRERA is a resident of the City of Norwalk. In March
22 of 2022, Plaintiff APRIL HERRERA was walking on San Antonio Dr. and Olive St. in
23 the City of Norwalk when Los Angeles County Sheriff deputy, Defendant ADAM
24 VILLALOBOS physically contacted Plaintiff APRIL HERRERA. Defendant ADAM
25 VILLALOBOS was on duty when he stopped Plaintiff APRIL HERRERA. There was
26 no justification whatsoever to stop Plaintiff APRIL HERRERA and Plaintiff APRIL
27 HERRERA did not voluntarily contact Defendant ADAM VILLALOBOS. During the
28 encounter, Plaintiff APRIL HERRERA advised Defendant ADAM VILLALOBOS

1 that she was Autistic. Subsequently, Defendant ADAM VILLALOBOS obtained
2 Plaintiff APRIL HERRERA's information and immediately began communicating
3 with her.

4 17. Between the middle of March and April of 2022, Defendant ADAM
5 VILLALOBOS took advantage of his authority as a sheriff deputy, took advantage of
6 Plaintiff APRIL HERRERA's disabilities, and began grooming her. In or about April
7 of 2022, Defendant ADAM VILLALOBOS was on FaceTime with Plaintiff APRIL
8 HERRERA. During the call, Defendant ADAM VILLALOBOS exposed his private
9 area to Plaintiff APRIL HERRERA and wanted Plaintiff APRIL HERRERA to expose
10 her vagina and breasts while on a video chat. Defendant ADAM VILLALOBOS
11 wanted Plaintiff APRIL HERRERA to stick her finger inside herself and masturbate.
12 Defendant ADAM VILLALOBOS sexually abused Plaintiff APRIL HERRERA and
13 took advantage of her disability.

14 18. Worst yet, Plaintiff APRIL HERRERA is 4'11 and weighs 80 pounds.
15 Plaintiff APRIL HERRERA has the appearance of teenager who is underage. ADAM
16 VILLALOBOS was aware of Plaintiff APRIL HERRERA's underage appearance and
17 in fact exploited such fact for sexual gratification. ADAM VILLALOBOS told Plaintiff
18 APRIL HERRERA the following: "If I had a stepdaughter who looked like you, I
19 would try to get at it." ADAM VILLALOBOS had a disturbing fantasy would also say
20 things like "I like your body cause it reminds me of a young girls body" and "I love
21 your petite teen boobs." Clearly, ADAM VILLALOBOS is a pedophile.

22 19. On April 11, 2022, Plaintiff APRIL HERRERA contacted the Los Angeles
23 Sheriff's Department and advised the department of the sexual assault.

24 20. Before ADAM VILLALOBOS sexually assaulted A Plaintiff PRIL
25 HERRERA, the sheriff's department was well aware of Defendant ADAM
26 VILLALOBOS' vile sexual propensities. Indeed, in late November 29 2022, Plaintiff
27 PRIL HERRERA's mother, Valerie Martinez, viewed an online post regarding another
28 Norwalk resident stating that ADAM VILLALOBOS has been sexually abusing her

1 for two years. Consequently, Valerie Martinez called Los Angeles Sheriff's Department
 2 Detective Salazar who is with the Internal Criminal Investigations Bureau. Detective
 3 Salazar advised Valerie Martinez that the matter would be further investigated.

4 21. As a result of the despicable conduct of ADAM VILLALOBOS, Plaintiff
 5 APRIL HERRERA is permanently psychologically scarred. Plaintiff APRIL
 6 HERRERA is less trusting of people, including police officers, and feels as if she will
 7 be taken advantage of again. As it is, Plaintiff APRIL HERRERA was already
 8 vulnerable due to her disabilities, so now Plaintiff APRIL HERRERA will be even less
 9 capable of living a normal life due to the trauma she faces due to ADAM
 10 VILLALOBOS.

11 22. Plaintiff APRIL HERRERA suffered and continues to suffer non-
 12 economic damages according to proof as trial as well as compensatory damages for
 13 treatment as a result of the sexual abuse she was subjected to.

14 **FIRST CLAIM FOR RELIEF**

15 **Fourth Amendment Violation**

16 **(42 USC § 1983)**

17 **(By Plaintiff As Against Defendants ADAM VILLALOBOS and DOES 1**
 18 **through 5)**

19 23. Plaintiff realleges and incorporates herein by reference each of the
 20 preceding paragraphs of this complaint, and any subsequent paragraphs.

21 24. The Fourth Amendment protects "[t]he right of the people to be secure in
 22 their persons, houses, papers, and effects, against unreasonable searches and seizures."
 23 *Torres v. Madrid*, 592 U.S. 306, 311 (2021). "[A] person has been 'seized' within the
 24 meaning of the Fourth Amendment only if, in view of all the circumstances
 25 surrounding the incident, a reasonable person would have believed that he was not free
 26 to leave." *United States v. Mendenhall*, 446 U.S. 544, 554 (1980). A seizure for the
 27 purposes of the Fourth Amendment "requires either physical force ... or, where that is
 28 absent, submission to the assertion of authority." *Torres v. Madrid*, 592 U.S. 306, 311

1 (2021). An officer has made a “show of authority” when an officer's words and actions
2 would convey to a reasonable person “that he was being ordered to restrict his
3 movement.” *California v. Hodari D.*, 499 U.S. 621, 628 (1991).

4 25. “Beyond the specific proscription of excessive force, the Fourth
5 Amendment generally proscribes “unreasonable intrusions on one's bodily integrity,”
6 . . . and other harassing and abusive behavior that rises to the level of ‘unreasonable
7 seizure.’” *Fontana v. Haskin*, 262 F.3d 871, 878–79 (9th Cir. 2001) (determining that
8 police officer's “sexual verbal and physical predation against a handcuffed arrestee” on
9 ride to police station violated Fourth Amendment) (citations omitted). The Fourth
10 Amendment bars intrusion into the body “which are not justified in the circumstances,
11 or which are made in an improper manner.” *Schmerber v. California*, 384 U.S. 757,
12 768 (1966) (“The overriding function of the Fourth Amendment is to protect personal
13 privacy and dignity against unwarranted intrusion by the State”)

14 26. In April of 2022, Defendant ADAM VILLALOBOS violated Plaintiff
15 APRIL HERRERA’s Fourth Amendment rights by unreasonably intruding her bodily
16 integrity. Defendant ADAM VILLALOBOS unreasonably intruded Plaintiff APRIL
17 HERRERA’s bodily integrity by sexually assaulting her in the form of exposing
18 himself and forcing her to expose her naked body to him. Defendant ADAM
19 VILLALOBOS also unreasonably intruded into Plaintiff APRIL HERRERA’s by
20 forcing her to masturbate. Worst yet, Defendant ADAM VILLALOBOS also made
21 pedophilic remarks to Plaintiff APRIL HERRERA while he was sexually grooming
22 her and sexually assaulting her. Clearly, the personal privacy and dignity of Plaintiff
23 APRIL HERRERA was unreasonably intruded by Defendant ADAM VILLALOBOS.

24 27. As a direct and proximate result of Defendant ADAM VILLALOBOS’
25 acts and/or omissions as set forth above, Plaintiff herein, sustained injuries and
26 damages.

27 28. The conduct of Defendant ADAM VILLALOBOS entitles Plaintiff to
28 punitive damages and penalties allowable under 42 U.S.C. § 1983 and as provided by

1 law. Plaintiff does not seek punitive damages against Defendants LASD and
2 COUNTY.

3 29. Plaintiff is also entitled to reasonable costs and attorneys' fees under 42
4 U.S.C. § 1988, and other applicable United States and California codes and laws.

5 **SECOND CLAIM FOR RELIEF**

6 **Fourteenth Amendment Violation – Substantive Due Process**

7 **(42 USC § 1983)**

8 **(By Plaintiff As Against Defendants ADAM VILLALOBOS and DOES 1**
9 **through 5)**

10 30. Plaintiff realleges and incorporates herein by reference each of the
11 preceding paragraphs of this complaint, and any subsequent paragraphs.

12 31. The Fourteenth Amendment provides that “[n]o State shall . . . deprive
13 any person of life, liberty, or property, without due process of law. . .” U.S. Const.,
14 Amdt. 14, § 1. The Due Process Clause of the Fourteenth Amendment was intended to
15 prevent government “from abusing [its] power, or employing it as an instrument of
16 oppression.” *DeShaney v. Winnebago Cnty. Dep't of Soc. Servs.*, 489 U.S. 189, 196,
17 109 S. Ct. 998, 1003, 103 L. Ed. 2d 249 (1989).

18 32. Under the Fourteenth Amendment's substantive due process prong, courts
19 use the “shocks the conscience” test to determine if a violation has occurred. *County of*
20 *Sacramento v. Lewis*, 523 U.S. 833, 846 (1998). The threshold question is “whether the
21 behavior of the governmental officer is so egregious, so outrageous, that it may fairly
22 be said to shock the contemporary conscience.” *Id.* at 848 n. 8. Sexual predation can
23 be “unjustifiable by any government interest.” *Fontana v. Haskin*, 262 F.3d 871, 882
24 n. 7 (9th Cir. 2001). Sexual predation can be an “arbitrary exercise of the powers of
25 government, unrestrained by the established principles of private right and distributive
26 justice.” *County of Sacramento v. Lewis*, 523 U.S. 833, 845 (1998) (quoting *Hurtado*
27 *v. California*, 110 U.S. 516, 527 (1884)).

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33. As demonstrated herein, in April of 2022, Defendant ADAM VILLALOBOS engaged in conduct as to Plaintiff APRIL HERRERA which shocks the conscience. Defendant ADAM VILLALOBOS engaged in sexual predation which was egregious and outrageous. Indeed, Defendant ADAM VILLALOBOS violated Plaintiff APRIL HERRERA's Fourteenth Amendment rights by unreasonably intruding her bodily integrity without any justified governmental interest. Defendant ADAM VILLALOBOS unreasonably intruded Plaintiff APRIL HERRERA's bodily integrity by sexually assaulting her in the form of exposing himself and forcing her to expose her naked body to him. Defendant ADAM VILLALOBOS also unreasonably intruded into Plaintiff APRIL HERRERA's by forcing her to masturbate. Worst yet, Defendant ADAM VILLALOBOS also made pedophilic remarks to Plaintiff APRIL HERRERA while he was sexually grooming her and sexually assaulting her. Clearly, such egregious and outrageous conduct shocks the conscience in violation of the Fourteenth Amendment.

34. As a direct and proximate result of Defendant ADAM VILLALOBOS' acts and/or omissions as set forth above, Plaintiff herein, sustained injuries and damages.

35. The conduct of Defendant ADAM VILLALOBOS entitles Plaintiff to punitive damages and penalties allowable under 42 U.S.C. § 1983 and as provided by law. Plaintiff does not seek punitive damages against Defendants LASD and COUNTY.

36. Plaintiff is also entitled to reasonable costs and attorneys' fees under 42 U.S.C. § 1988, and other applicable United States and California codes and laws.

THIRD CLAIM FOR RELIEF

Municipal Liability – Unconstitutional Policies, Customs, Practices

(*Monell*, 42 U.S.C. § 1983)

(By Plaintiff As Against Defendants LOS ANGELES COUNTY SHERIFF'S DEPARTMENT, COUNTY OF LOS ANGELES and DOES 6 through 10)

1 37. Plaintiff realleges and incorporates herein by reference each of the
2 preceding paragraphs of this complaint, and any subsequent paragraphs.

3 38. As set forth in the forgoing causes of action, Defendant ADAM
4 VILLALOBOS and DOES 1-5, inclusive, and each of them, committed clear and well-
5 established violations of constitutional rights against Plaintiff APRIL HERRERA
6 within the course and scope of his employment as LASD deputies, under color of law.

7 39. On and for some time prior to April of 2022 (and continuing to the present
8 date), Defendants COUNTY, LASD and DOES 6-10, acting with gross negligence and
9 with reckless and deliberate indifference to the rights and liberties of the public in
10 general, and of Plaintiffs, and of persons in his class, situation and comparable position
11 in particular, knowingly maintained, enforced and applied an official recognized
12 custom, policy, and practice of:

13 A. Permitting sheriff deputies, including Defendant ADAM VILLALOBOS,
14 to contact members of the public while on duty for non-law enforcement
15 purposes;

16 B. Permitting sheriff deputies, including Defendant ADAM VILLALOBOS,
17 to obtain the contact information of members of the public while on duty
18 for non-law enforcement purposes;

19 C. Permitting sheriff deputies, including Defendant ADAM VILLALOBOS,
20 to sexually groom members of the public;

21 D. Permitting sheriff deputies, including Defendant ADAM VILLALOBOS,
22 to take advantage of disabled members of the public for sexual purposes;
23 and

24 E. Permitting sheriff deputies, including Defendant ADAM VILLALOBOS,
25 to sexually assault disabled members of the public.

26 40. The expressly adopted policies and/or widespread, well-known, and
27 longstanding customs or practices set forth above, constitute standard operating
28 procedures within the Defendants COUNTY and LASD, which have directly

1 precipitated the pervasive sexual abuse/assault against innocent members of the general
2 public at an unignorable and unacceptable scale, not least of which resemble the
3 egregious constitutional violations suffered by APRIL HERRERA.

4 41. Defendants COUNTY and LASD, and individual supervisory officials
5 thereof, whether named or unnamed, had either actual or constructive knowledge of
6 the unconstitutional policies, practices, and/or customs set forth herein. Despite this
7 knowledge, the Defendants COUNTY and LASD, by and through officials with final
8 policymaking authority, did condone, tolerate, and ratify such policies, customs, and
9 practices, and have shown deliberate indifference to the foreseeable effects and
10 consequences of these policies, customs, and practices with respect to the civil rights
11 and wellbeing of the present Plaintiff, other individuals similarly situated, and the
12 general public.

13 42. The vile sexual assault/abuse of Plaintiff APRIL HERRERA suffered due
14 to the conduct of Defendants ADAM VILLALOBOS and DOES 1-5, inclusive, caused
15 APRIL HERRERA to have significant psychological injuries. As a direct consequence
16 of these injuries, Plaintiffs suffered and continue to suffer severe mental, and emotional
17 anguish, as well as extensive hardship.

18 43. Accordingly, the policies, practices, and/or customs implemented,
19 maintained, or still tolerated by Defendants COUNTY and LASD, or final
20 policymakers thereof, are so inextricably connected to the unconstitutional conduct that
21 Plaintiff APRIL HERRERA has endured as to be a substantial moving force behind it.

22 44. Clearly, Defendants COUNTY's and LASD's unconstitutional customs
23 and practices was the moving force which caused Plaintiff's injuries. Therefore,
24 Defendants COUNTY and LASD must be regarded as similarly liable for all claims
25 raised herein against its employees, agents, and/or representatives under 42 U.S.C. §
26 1983.

27 45. As a direct and proximate result of Defendant ADAM VILLALOBOS'
28 acts and/or omissions as set forth above, Plaintiff herein, sustained injuries and

1 damages.

2 46. Plaintiff is also entitled to reasonable costs and attorneys' fees under 42
3 U.S.C. § 1988, and other applicable United States and California codes and laws.

4 **FOURTH CLAIM FOR RELIEF**

5 **Municipal Liability – Ratification**

6 **(*Monell*, 42 U.S.C. § 1983)**

7 **(By Plaintiff As Against Defendants LOS ANGELES COUNTY SHERIFF'S**
8 **DEPARTMENT, COUNTY OF LOS ANGELES and DOES 6 through 10)**

9 47. Plaintiff realleges and incorporates herein by reference each of the
10 preceding paragraphs of this complaint, and any subsequent paragraphs.

11 48. As set forth in the forgoing causes of action, Defendant ADAM
12 VILLALOBOS and DOES 1-5, inclusive, and each of them, committed clear and well-
13 established violations of constitutional rights against Plaintiff APRIL HERRERA
14 within the course and scope of his employment as LASD deputies, under color of law.

15 49. Upon information and belief, the final policymaker knew of and
16 specifically approved of the Defendant ADAM VILLALOBOS' acts.

17 50. Upon information and belief, a final policymaker, acting under color of
18 law, who had final policymaking authority concerning the acts of the Defendant
19 ADAM VILLALOBOS, ratified the acts of the Defendant ADAM VILLALOBOS'
20 acts and the bases for them.

21 51. Upon information and belief, a final policymaker has determined (that the
22 acts of Defendant ADAM VILLALOBOS was "within policy."

23 52. Indeed, on July 3, 2022, LASD sent a letter to APRIL HERRERA stating
24 "[y]our complaint was thoroughly investigated, and it was determined that the
25 employee's conduct should have been different. The appropriate administrative action
26 has been taken." However, it is not clear whether Defendant ADAM VILLALOBOS
27 was reprimanded, disciplined or terminated.

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1 60. At all times, Defendants ADAM VILLALOBOS and DOES 1-10 owed
2 APRIL HERRERA a duty to act with due care in the execution and enforcement of any
3 right, law, or legal obligation, including the duty to prevent sexual assault.

4 61. At all times, these Defendants ADAM VILLALOBOS and DOES 1-10
5 owed APRIL HERRERA the duty to act with reasonable care.

6 62. These general duties of reasonable care and due care owed to APRIL
7 HERRERA by Defendants include but are not limited to the following specific
8 obligations:

- 9 A. To not contact members of the public while on duty for non-law
10 enforcement purposes;
11 B. To not obtain the contact information of members of the public while on
12 duty for non-law enforcement purposes;
13 C. To not sexually groom members of the public;
14 D. To not take advantage of disabled members of the public for sexual
15 purposes; and
16 E. To not sexually assault disabled members of the public.

17 63. Defendants ADAM VILLALOBOS and DOES 1-10 through their acts
18 and omissions, breached each and every one of the aforementioned duties owed to
19 APRIL HERRERA.

20 64. As a direct and proximate result of these Defendants ADAM
21 VILLALOBOS and DOES 1-10' negligence, APRIL HERRERA sustained injuries
22 and damages.

23 65. Defendants LASD and COUNTY are vicariously liable for the violations
24 of state law and conduct of their officers, employees, and agents, including individual
25 named defendants, under California Government Code § 815.2.

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SIXTH CLAIM FOR RELIEF

Sexual Assault

(By Plaintiff As Against All Defendants)

66. Plaintiff realleges and incorporates herein by reference each of the preceding paragraphs of this complaint, and any subsequent paragraphs.

67. The present claim for relief is brought pursuant to Cal. Gov. Code §§ 815.2 and 820. Under § 820 of the Government Code, as public employees, Defendant ADAM VILLALOBOS is liable for injuries caused by his acts or omissions to the same extent as private persons. Under § 815.2 of the Government Code, as public entities, LASD and COUNTY are liable for injuries caused by the acts or omissions of their employees committed within the course and scope of their employment. This claim for relief is not alleging direct liability against LASD and COUNTY, only vicarious liability. *See* Gov. Code, § 815.2, subds. (a), (b); *see also Zelig v. County of Los Angeles* (2002) 27 Cal.4th 1112, 1128.

68. As alleged herein, in April of 2022, Defendant ADAM VILLALOBOS violated Plaintiff APRIL HERRERA's Fourth Amendment rights by unreasonably intruding her bodily integrity. Defendant ADAM VILLALOBOS unreasonably intruded Plaintiff APRIL HERRERA's bodily integrity by sexually assaulting her in the form of exposing himself and forcing her to expose her naked body to him. Defendant ADAM VILLALOBOS also unreasonably intruded into Plaintiff APRIL HERRERA's by forcing her to masturbate. Worst yet, Defendant ADAM VILLALOBOS also made pedophilic remarks to Plaintiff APRIL HERRERA while he was sexually grooming her and sexually assaulting her. Clearly, the personal privacy and dignity of Plaintiff APRIL HERRERA was unreasonably intruded by Defendant ADAM VILLALOBOS.

69. Clearly, Defendant ADAM VILLALOBOS' intent was to cause a harmful or offensive contact with Plaintiff's body in a sexual manner. Defendant ADAM VILLALOBOS caused an imminent fear of a harmful or offensive contact with

1 Plaintiff APRIL HERRERA's vagina and naked body.

2 70. Plaintiff APRIL HERRERA's did not consent to the harmful or offensive
3 contact.

4 71. As a direct and proximate result of these Defendants ADAM
5 VILLALOBOS and DOES 1-10' conduct, APRIL HERRERA sustained injuries
6 and damages.

7 72. The conduct of Defendant ADAM VILLALOBOS entitles Plaintiff to
8 punitive damages and penalties as provided by law. Plaintiff does not seek punitive
9 damages against Defendants LASD and COUNTY.

10 73. Defendants LASD and COUNTY are vicariously liable for the violations
11 of state law and conduct of their officers, employees, and agents, including individual
12 named defendants, under California Government Code § 815.2

13 **SEVENTH CLAIM FOR RELIEF**

14 **Violation of California Civil Code § 52.4**

15 **(Gender Violence)**

16 **(By Plaintiff As Against All Defendants)**

17 74. Plaintiff realleges and incorporates herein by reference each of the
18 preceding paragraphs of this complaint, and any subsequent paragraphs.

19 75. The present claim for relief is brought pursuant to Cal. Gov. Code §§
20 815.2 and 820. Under § 820 of the Government Code, as public employees, Defendant
21 ADAM VILLALOBOS is liable for injuries caused by his acts or omissions to the same
22 extent as private persons. Under § 815.2 of the Government Code, as public entities,
23 LASD and COUNTY are liable for injuries caused by the acts or omissions of their
24 employees committed within the course and scope of their employment. This claim for
25 relief is not alleging direct liability against LASD and COUNTY, only vicarious
26 liability. *See* Gov. Code, § 815.2, subs. (a), (b); *see also Zelig v. County of Los Angeles*
27 (2002) 27 Cal.4th 1112, 1128.

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1 76. As alleged herein, in April of 2022, Defendant ADAM VILLALOBOS
2 violated Plaintiff APRIL HERRERA's Fourth Amendment rights by unreasonably
3 intruding her bodily integrity. Defendant ADAM VILLALOBOS unreasonably
4 intruded Plaintiff APRIL HERRERA's bodily integrity by sexually assaulting her in
5 the form of exposing himself and forcing her to expose her naked body to him.
6 Defendant ADAM VILLALOBOS also unreasonably intruded into Plaintiff APRIL
7 HERRERA's by forcing her to masturbate. Worst yet, Defendant ADAM
8 VILLALOBOS also made pedophilic remarks to Plaintiff APRIL HERRERA while he
9 was sexually grooming her and sexually assaulting her. Clearly, the personal privacy
10 and dignity of Plaintiff APRIL HERRERA was unreasonably intruded by Defendant
11 ADAM VILLALOBOS.

12 77. Pursuant to Civil Code § 52.4, for purposes of this section, "gender
13 violence" is a form of sex discrimination and means either of the following:

14 (1) One or more acts that would constitute a criminal offense under state
15 law that has as an element the use, attempted use, or threatened use of
16 physical force against the person or property of another, committed at least
17 in part based on the gender of the victim, whether or not those acts have
18 resulted in criminal complaints, charges, prosecution, or conviction.

19
20 (2) A physical intrusion or physical invasion of a sexual nature under
21 coercive conditions, whether or not those acts have resulted in criminal
22 complaints, charges, prosecution, or conviction.

23 78. Defendant ADAM VILLALOBOS committed a physical intrusion or
24 physical invasion sexual in nature as detailed herein. The conditions of such physical
25 intrusion or physical invasion were coercive because Defendant ADAM
26 VILLALOBOS is a sheriff deputy and Plaintiff APRIL HERRERA has a mental
27 disability.

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79. As a direct and proximate result of these Defendants ADAM VILLALOBOS and DOES 1-10' conduct, APRIL HERRERA sustained injuries and damages.

80. The conduct of Defendant ADAM VILLALOBOS entitles Plaintiff to punitive damages and penalties as provided by law. Plaintiff does not seek punitive damages against Defendants LASD and COUNTY.

81. Defendants LASD and COUNTY are vicariously liable for the violations of state law and conduct of their officers, employees, and agents, including individual named defendants, under California Government Code § 815.2

EIGHTH CLAIM FOR RELIEF

Violation of Civil Code Section § 1708.88

(By Plaintiff As Against All Defendants)

82. Plaintiff realleges and incorporates herein by reference each of the preceding paragraphs of this complaint, and any subsequent paragraphs.

83. The present claim for relief is brought pursuant to Cal. Gov. Code §§ 815.2 and 820. Under § 820 of the Government Code, as public employees, Defendant ADAM VILLALOBOS is liable for injuries caused by his acts or omissions to the same extent as private persons. Under § 815.2 of the Government Code, as public entities, LASD and COUNTY are liable for injuries caused by the acts or omissions of their employees committed within the course and scope of their employment. This claim for relief is not alleging direct liability against LASD and COUNTY, only vicarious liability. *See* Gov. Code, § 815.2, subds. (a), (b); *see also Zelig v. County of Los Angeles* (2002) 27 Cal.4th 1112, 1128.

84. In April of 2022, Defendant ADAM VILLALOBOS violated Civil Code Section § 1708.88 when he knowingly sent APRIL HERRERA an image, which he knew was unsolicited, by electronic means, depicting obscene material.

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1 85. As a direct and proximate result of these Defendants ADAM
2 VILLALOBOS and DOES 1-10' conduct, APRIL HERRERA sustained injuries and
3 damages.

4 86. The conduct of Defendant ADAM VILLALOBOS entitles Plaintiff to
5 punitive damages and penalties as provided by law. Plaintiff does not seek punitive
6 damages against Defendants LASD and COUNTY.

7 87. Defendants LASD and COUNTY are vicariously liable for the violations
8 of state law and conduct of their officers, employees, and agents, including individual
9 named defendants, under California Government Code § 815.2

10 **NINTH CLAIM FOR RELIEF**

11 **Violation of California Civil Code § 52.1**

12 **(Tom Bane Act)**

13 **(By Plaintiff As Against All Defendants)**

14 88. Plaintiff realleges and incorporates herein by reference each of the
15 preceding paragraphs of this complaint, and any subsequent paragraphs.

16 89. The present claim for relief is brought pursuant to Civil Code § 52.1, Cal.
17 Gov. Code §§ 815.2 and 820. Under § 820 of the Government Code, as public
18 employees, Defendant ADAM VILLALOBOS is liable for injuries caused by his acts
19 or omissions to the same extent as private persons. Under § 815.2 of the Government
20 Code, as public entities, LASD and COUNTY are liable for injuries caused by the acts
21 or omissions of their employees committed within the course and scope of their
22 employment. This claim for relief is not alleging direct liability against LASD and
23 COUNTY, only vicarious liability. *See* Gov. Code, § 815.2, subds. (a), (b); *see also*
24 *Zelig v. County of Los Angeles* (2002) 27 Cal.4th 1112, 1128.

25 90. By his act and omissions, Defendant ADAM VILLALOBOS, through
26 threat, intimidation, and/or coercion, interfered with, attempted to interfere with, and
27 violated Plaintiff APRIL HERRERA rights under California Civil Code § 52.1 and
28 under the United States Constitution and California Constitution as follows:

- 1 A. To be free from bodily harm pursuant to Cal. Civ. Code § 43;
- 2 B. The right to be free from governmental interference as secured by the
- 3 Fourteenth Amendments to the United States Constitution and by
- 4 California Constitution, Article 1, §§ 7 and 13;
- 5 C. The right to enjoy and defend life and liberty; acquire, possess, and protect
- 6 property; and pursue and obtain safety, happiness, and privacy, as secured
- 7 by the California Constitution, Article 1, § 1.

8 91. Defendant ADAM VILLALOBOS' violations of Plaintiff APRIL
9 HERRERA's due process rights with deliberate indifference, in and of themselves
10 constitute violations of the Bane Act.

11 92. Alternatively, separate from, and above and beyond, Defendants'
12 attempted interference, interference with, and violation of Plaintiff APRIL
13 HERRERA's rights as described above, Defendant violated Plaintiff APRIL
14 HERRERA's rights by the following conduct constituting threat, intimidation, or
15 coercion:

- 16 A. Contacting Plaintiff while on duty for non-law enforcement purposes;
- 17 B. Obtaining Plaintiff's contact information while on duty for non-law
- 18 enforcement purposes;
- 19 C. Sexually grooming Plaintiff;
- 20 D. Took advantage of Plaintiff who was a disabled member of the public for
- 21 sexual purposes; and
- 22 E. Sexually assaulted Plaintiff who was a disabled members of the public.

23 93. Further, all of Defendant's violations of duties and rights, and coercive
24 conduct, described herein were volitional acts; none was accidental or merely
25 negligent.

26 94. Further, Defendant ADAM VILLALOBO violated Plaintiff's rights
27 reckless disregard and with the specific intent and purpose to deprive her of their
28 enjoyment of those rights and of the interests protected by those rights.


1 1988 and/or § 52 and § 52.1 in an amount to be proven at trial;

2 G. For all other damages allowed under state and federal law, and;

3 H. For such further relief as the Court may deem appropriate, proper, and
4 just.

5 Dated: March 11, 2024

LAW OFFICES OF CHRISTIAN CONTRERAS
A PROFESSIONAL LAW CORPORATION


7
8 By: 
Christian Contreras, Esq.
9 Attorneys for Plaintiff,
10 APRIL HERRERA

11 **DEMAND FOR JURY TRIAL**

12 Plaintiff hereby makes a demand for a jury trial in this action.

13 Dated: March 11, 2024

LAW OFFICES OF CHRISTIAN CONTRERAS
A PROFESSIONAL LAW CORPORATION

15
16 By: 
Christian Contreras, Esq.
17 Attorneys for Plaintiff,
18 APRIL HERRERA
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